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U.S. Department of Homeland Security
20 Mass. Ave., N.W., Rm. A3042
Washington, DC 20529

U.S. Citizenship and Immigration Services

PUBLIC COPY

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[redacted]

FILE: [redacted] Office: CHICAGO, ILLINOIS Date: APR 25 2005

IN RE: Applicant: [redacted]

APPLICATION: Application for Permission to Reapply for Admission into the United States after Deportation or Removal under section 212(a)(9)(A)(iii) of the Immigration and Nationality Act, 8 U.S.C. § 1182(a)(9)(A)(iii)

ON BEHALF OF APPLICANT:

[redacted]

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Robert P. Wiemann, Director
Administrative Appeals Office

DISCUSSION: The application for permission to reapply for admission after removal was denied by the District Director, Chicago, Illinois, and is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The applicant is a native and a citizen of Mexico who was present in the United States without a lawful admission or parole on or about March 25, 1989. On August 11, 1991, the applicant was served an Order to Show Cause for a hearing before an Immigration Judge. On September 18, 1991, the applicant failed to appear for a deportation hearing and was subsequently ordered deported in absentia by an Immigration Judge pursuant to section 241(a)(1)(B) of the Immigration and Nationality Act (the Act). The applicant failed to surrender for removal or depart from the United States and a Warrant of Deportation (Form I-205) was issued on February 13, 1992. The record of proceedings reveals that the applicant self-deported himself to Mexico and reentered the United States in possession of a B-2 nonimmigrant visa on November 1, 1992. The record further reveals that the applicant departed the United States on an unknown date and reentered without inspection in January 1997. The applicant is inadmissible under section 212(a)(9)(A)(ii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(ii). The applicant is the beneficiary of an approved petition for alien relative filed by his Lawful Permanent Resident (LPR) spouse. He now seeks permission to reapply for admission into the United States under section 212(a)(9)(A)(iii) of the Act, 8 U.S.C. § 1182(a)(9)(A)(iii) in order to remain in the United States and reside with his LPR spouse and U.S. citizen children.

The District Director determined that section 241(a)(5) of the Act, 8 U.S.C. 1231(a)(5) applies in this matter and the applicant is not eligible and may not apply for any relief and denied the Application for Permission to Reapply for Admission After Removal (Form I-212) accordingly. *See District Director's Decision* dated August 17, 2004.

On appeal the applicant states that he knows he made a mistake in 1991 for not showing up in court but he states that he should be punished for his mistake, not his family. He further states that he has two U.S. citizen children, an LPR spouse and he has been working in order to take care of his family.

The regulation at 8 C.F.R. § 103.3(a)(1) states in pertinent part:

> (v) Summary dismissal. An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal....

In the instant case the applicant has failed to identify any erroneous conclusion of law or statement of fact for the appeal and therefore it will be summarily dismissed.

ORDER: The appeal is summarily dismissed.